

NOTICE OF PROPOSED NEW RULE

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

Agency Information

- Agency: Insurance - Administration
Room no.: 3110
Building: STATE OFFICE BLDG
Street address 1: 450 N MAIN ST
Street address 2:
City, state, zip: SALT LAKE CITY UT 84114-1201
Mailing address 1: PO BOX 146901
Mailing address 2:
City, state, zip: SALT LAKE CITY UT 84114-6901

Contact person(s):

Name: Phone: Fax: E-mail:

Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov
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(Interested persons may inspect this filing at the above address or at DAR during business hours)

Rule Information

DAR file no: 34276 Date filed: 12/01/2010 04:16 PM
State Admin Rule Filing Key: 150440
Utah Admin. Code ref. (R no.): R 590 - 259 -

Title

- Title of rule or section (catchline):
Dependent Coverage to Age 26.

Notice Type

- Type of notice: New Rule

Rule Purpose

- Purpose of the rule or reason for the change:

The purpose of the rule is to ensure access to coverage for dependent children, as required under the federal Patient Protection Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119, 2010, and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029, 2010, that went into effect 09/23/2010 and 31A-30-108.

Response Information

- This change is a response to comments by the Administrative Rules Review Committee.
No

Rule Summary

- Summary of the rule or change:

The rule has been created to ensure access to coverage for dependent children, as required by the U.S. Department of Health Human Services (HHS) and under the federal Patient Protection Affordable Care Act that went into effect 09/23/2010 and 31A-30-108I, Eligibility for small employer and individual market. As of September 23, insurers have declined coverage to dependent children in the individual market until the state defines the terms of an "Open Enrollment Period." The law requires the state to define the terms of an open enrollment period. The rule also requires insurers to offer coverage to individuals pursuant to 31A-30-108.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

No filings will need to be made by insurers. The change will require insurers to change their internal procedures. None of this will have a fiscal impact on the department or the state's budget.

B) Local government:

Affected: No

Local governments will not be affected by this rule since it relates to the relationship between the department and their life insurance licensees.

C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

This rule will only impact health insurers who are considered large businesses.

D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

Health insurers will be required to comply with the Patient Protection Affordable Care Act and 31A-30-108 by providing insurance to children. Families and children will be able to obtain coverage during an enrollment period.

Compliance Cost Information

8. Compliance costs for affected persons:

Health insurers will be required to comply with the Patient Protection Affordable Care Act by providing insurance to children. Families and children will be able to obtain coverage during an enrollment period.

Department Head Comments

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

The rule itself does not create the fiscal impact but rather requires insurers to implement the requirements of the new federal law.

B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, Insurance Commissioner

Citation Information

10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

31A-22-605

31A-2-201

Incorporated Materials

11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials

incorporated by reference must be submitted to DAR; if none, leave blank) :

<p>Official Title of Materials Incorporated (from title page):</p> <p>Publisher:</p> <p>Date Issued:</p> <p>Issue, or version:</p> <p>ISBN Number:</p> <p>ISSN Number:</p> <p>Cost of Incorporated Reference:</p> <p>Adds, updates, removes:</p>

Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) :

01/14/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

01/10/2011

02:00 PM

State Office Building, Room 3112, Salt Lake City, UT 84114

Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy):

01/21/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):
- health insurance open enrollment

File Information

15. Attach an RTF document containing the text of this rule change (filename):

There is a document associated with this rule filing.

To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information
Specialist

Date (mm/dd/yyyy): 12/01/2010